REMARKS

The Examiner has rejected claims 1-17 and 24-40 under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of U.S. Patent No. 6,317,152 to Hobson *et al.* ('152 Patent). It is noted that claims 7-10 and 27 were only rejected on the basis of non-statutory type double patenting and not based upon prior art other than the '152 patent. Claims 7, 10 and 27 were rewritten in independent form and are therefore in allowable condition. Claims 8 and 9 depend from claim 7.

The Examiner has also rejected claims 34-35 as being anticipated by U.S. Patent No. 5,956,424 to Wootton *et al.* ("Wootton") under 35 U.S.C. § 102(b), claims 36-37 and 40 as obvious over Wootton, claim 38 as obvious over Wootton in view of U.S. Patent No. 6,101,276 to Adiletta *et al.* ("Adiletta"), claim 39 as obvious over Wootton in view of U.S. Patent No. 5,751,346 to Dozier *et al.* ("Dozier), claims 1-3, 24-25, 28 and 34 as obvious over U.S. Patent No. 5,996,023 to Winter *et al.* ("Winter") in view of U.S. Patent No. 5,371,551 to Logan *et al.* ("Logan"), claims 4, 11-17 and 29-33 as obvious over Winter in view of Logan in further view of U.S. Patent No. 6,069,655 to Seeley *et al.* ("Seeley"), claims 5-6 as obvious over Winter in view of Logan in view of Seeley in further view of U.S. Patent No. 6,414,994 to Hazra ("Hazra"), claim 26 as obvious over Winter in view of Logan in further view of U.S. Patent No. 5,999,662 to Burt *et al.* ("Burt"). The Examiner has also interposed an alternative ground of rejection against claim 38 by rejecting it as obvious over Winter in view of Logan in further view of Adiletta.

Claims 18-23 are withdrawn from consideration. Claims 34-35 are canceled by this amendment. Therefore, claims 1-17, 24-33 and 36-40 are at issue in this response.

I. Obviousness-type Double Patenting Rejection

The Examiner rejected claims 1-17 and 24-40 under the doctrine of obviousness-type double patenting over claims 1-16 of Hobson. A rejection based on a non-statutory type of double patenting can be avoided by filing a terminal disclaimer in the application or proceeding in which the rejection is made. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). Applicants file herewith a terminal disclaimer, thus overcoming the Examiner's non-statutory double patenting rejection.

II. Rejections based upon Winter

The Examiner has rejected claims 1-6, 11-17, 24-26, 28-34 and 38 based upon the combination of Winter and Logan in further combination with the references shown below.

Claim	Adiletta	Winter	Logan	Seeley	Hazra	Burt
1		X	X			
2		X	X			
3		X	X			
4		X	X	X		
5		X	X	X	X	
6		X	X	X	X	
11		X	X	X		
12		X	X	X		
13		X	X	X		
14		X	X	X		
15		X	X	X		
16		X	X	X		
17		X	X	X		
24		X	X			
25		X	X			
26		X	X			X
28		X	X			
29		X	X	X		
30		X	X	X		
31		X	X	X		
32		X	X	X		
33		X	X	X		
34		X	X			
38	X	X	X			

Applicant respectfully traverses these rejections as set forth below.

Claim 1, as amended, requires that the processor of the present invention be configured to process the video image by comparing portions of the video image with a previously established reference image of the scene to determine if any changes have occurred therein, and that the processor further be configured to compress and store the compared video signal if it differs from the reference image. There is no teaching in combination of Winter in view of Logan or any other of the cited references to utilize a processor configured in this manner.

Claim 1, as amended, is distinguished from the combination of Winter in view of Logan by the requirement that the processor be configured to compress and store the video signal when it differs from a corresponding, previously captured reference image. Storing the pixels of the image itself when the video images differ, i.e. the pixels themselves, is distinctly different from storing the *differences found* between a current frame and a reference frame, as is in the prior art. Specifically, the prior art teaches two types of compression: (a) spatial compression and (b) temporal compression. Spatial compression is performed with reference *only* to the pixels in a pixel block itself, rather than with reference to the corresponding pixel block in a preceeding or succeeding frame. Temporal compression uses differential coding to compress a frame by identifying the frame relative to a past or previous frame, and encoding the *difference* (i.e. motion vectors) between the current and reference pixel block, instead of encoding the pixel block from scratch, as in claim 1.

In contrast to the compression and storage teachings of the prior art, amended Claim 1 requires a processor configured to compress a digital signal for storage by identifying and storing, from scratch, the video images which differ from a previously stored reference frame of the same scene. The processor is configured fundamentally different from that of the combination

of Winter in view of Logan, as the present invention is not required to identify the *actual differences* (i.e. motion vectors) for storage, a significantly more complex and CPU intensive task. Accordingly, amended Claim 1 is seen as allowable under 35 U.S.C. § 103(a) over the combination of *Winter* in view of *Logan*.

The Examiner has relied upon Seeley and Hazra in addition to Winter and Logan to reject some of claims 2-6 and 11-17, which all depend from claim 1. However, neither Seeley nor Hazra disclose the limitations discussed above that are required by claims 2-6 and 11-17. Therefore, for that reason and the reasons discussed above, claims 2-6 and 11-17 are allowable over Winter, Logan, Seeley and Hazra.

Claim 24, similar to claim 1, also differs from Winter and Logan by the requirement that the processor be configured to compress and store the video signal when it differs from a corresponding, previously captured reference image. As discussed above, Winter and Logan do not disclose this requirement. As such, independent claim 24 is allowable over Winter in view of Logan for the same reasons as claim 1.

The Examiner has relied upon Burt in addition to Winter and Logan to reject claim 26, which depends from claim 26. However, Burt does not disclose the limitations discussed above that are required by claims 1 and 24. Claim 25 also depends from claim 24. Therefore, for that reason and the reasons discussed above, claims 25 and 26 are allowable over Winter, Logan, and Burt.

Claim 28 is a method claim that requires the step of "comparing the video image represented by a digital signal with a previously established reference of the scene to determine if any changes have occurred therein, and storing the contents of said digital signals in a memory if

the image differs from the reference image." As discussed above, neither Winter nor Logan disclose performing this step. As such, claim 28 is allowable over the prior art.

Claims 29-33 depend from claim 28 and were rejected over Winter inview of Logan in further view of Seeley. As discussed above, Seeley does not disclose the limitation of "comparing the video image represented by a digital signal with a previously established reference of the scene to determine if any changes have occurred therein, and storing the contents of said digital signals in a memory if the image differs from the reference image" of independent claim 28. As such, claims 29-33 are allowable over the prior art of record.

The Examiner has rejected claim 38 as obvious over Winter in view of Logan in view of Adiletta. However, claim 38 has been amended to depend from claim 36, which was not rejected based upon Winter and Logan and Adiletta. As such, claim 38 is allowable over Winter in view Logan in view of Adiletta as amended.

Claim 36 was rejected as obvious over Wootton. In making the rejection the Examiner states that Wootton discloses every element of the claim except the limitation of "said reference image associated block map consists of at least one binary representation of a corresponding pixel block comprising a video image, a first binary representation indicating an unchanged pixel block, and a second binary representation indicating a changed pixel block." Specifically, the Examiner says that this would be obvious to one of ordinary skill in the art because Wootton discloses "the method to mask areas wherein movements within those areas will be disregarded and not sensed as an anomaly requiring processing to determine if a human intruder is present."

Applicants traverse this rejection and argue that the above-quoted statement by the Examiner regarding masking of the areas of Wootton is completely different than Applicant's limitation within claim 36 requiring a block map of pixel blocks to determine whether the pixel

block within the image is a changed pixel block. As such, claim 36 requires a limitation that is not found in or suggested by Wootton or any other prior art of record and, as such, claim 36 is allowable over the prior art of record.

Claims 37-40 depend from claim 36 and include all of the limitations of claim 36. In rejecting claim 38 and claim 39, the Examiner further relied upon Adiletta and Dozier, respectively. Neither Adiletta nor Dozier disclose or suggest the limitation of claim 36 requiring a block map of pixel blocks to determine whether the pixel block within the image is a changed pixel block. As such, claims 37-40 are allowable over the prior art for the same reasons as claim 36.

III. Conclusion

Based on the foregoing, the allowance of claims 5-8, 11-12, 14-15 and 17 is respectfully requested. If for any reason the Examiner is unable to allow the application on the next Office Action, the Examiner is requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

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